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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/587,959	06/06/2000	Ari Ikonen		9612

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Clarence A Green
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EXAMINER

SHELEHEDA, JAMES R

ART UNIT PAPER NUMBER

2617

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/587,959

Applicant(s)

IKONEN ET AL.

Examiner

James Sheleheda

Art Unit

2617

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 08 September 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because:

a. On page 11, applicant argues that Heinonen does not teach "extending a user interface of the mobile phone to the television".

In response, Heinonen specifically discloses utilizing a mobile phone to transmit and receive data between a television and an external system (column 3, lines 1- 16 and column 6, lines 16-19). As the typical interfacing between a user transmitting and receiving data from a mobile phone and an external network has been extended to include transmitting and receiving data at a television, this clearly meets the extremely broad claim limitation of extending a user interface of the mobile phone to the television.

b. In response to applicant's argument on page 12 that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., that the user would use the mobile phone when inputting information into the terminal equipment) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The claim limitation of extending a user interface of the mobile phone to the television does not require the user to input information into keys of the mobile phone. The "user interface" is extended to the television through allowing the television to take advantage of the interaction and transmission capabilities of the mobile phone. While the mobile phone clearly has keys to input data, there is no requirement in the claims that any information input using these keys must also be extended to the television display.

c. On page 13, applicant argues that there is no motivation to combine Heinonen with Allport as mobility is provided through the use of a remote control in Heinonen.

In response, the benefits of allowing a user to continue and carry their mobile phone are completely unrelated to the remote control of Heinonen, as the remote control does not provide any of the typical phone uses, such as sending or receiving telephone calls. The obvious benefits of allowing the user to carry their mobile phone in a mobile manner are clearly established and indicated in the previous actions as being a part of Allport.

d. On page 14, applicant argues that any combination of Heinonen and Allport would involve impermissible use of hindsight as the user of the terminal equipment in Heinonen has no need to access keys or the display of the mobile phone.

In response, see (c) above and the previous actions, indicating the clear benefits of allowing a mobile phone user to use their mobile phone in a mobile manner.

e. On page 14, applicant argues that in Heinonen, it is necessary to keep the mobile phone on the charger to prevent the mobile phone battery from being drained during the power intensive use of the phone.

In response, Heinonen only discloses that the interface device is a charger accessory. There is no description whatsoever towards any requirements towards charging the phone during power intensive use, as mobile phones are specifically designed to be used in a mobile manner, i.e. when not constantly docked in a phone charger. A charger is generally NOT designed to supply power to a mobile phone during its operation. As the mobile phone is MOBILE, chargers are designed to recharge the phone battery when it is not in use, thus allowing the mobile phone to be retrieved from the charger and used in a mobile capacity once again. Additionally, it is noted that Heinonen does not in any way limit the charging of the mobile phone to only while it is in use, as this would of course eliminate the mobility of the phone.

f. On page 14, applicant argues that a person of ordinary skill in the art reading Heinonen would not be motivated to move services out of the charging accessory into the mobile phone.

In response, rejections presented in the previous action do not move any services out of the charging accessory. The charging accessory of Heinonen would continue to perform all of its functions. The only change was to replace the physical connection between the phone and the accessory with a wireless one. The current combination does not result in any services being moved from the charging accessory into the mobile phone.



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